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Ms Koulla Yiasouma
Commissioner
NICCY
Equality House
7-9 Shaftesbury Square
BELFAST
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Dear Koulla

Thank for your letter dated 8 March 2018 following our meeting on 20 February regarding the Northern Ireland Commissioner for Children and Young People (NICCY) report on "A free education – the cost of education in Northern Ireland".

May I take this opportunity to recognise your valuable contribution in respect of the funding of our education system and its impact on the rights and best interests of children and young people in Northern Ireland.

I have attached the Department's formal response to the recommendations contained in your report, which build on the initial comments I provided in September 2017.

If you have any queries please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink that reads 'D A Baker'. The signature is written in a cursive style.

DEREK BAKER

Enc

Recommendation 1 – The Northern Ireland Executive, Department of Education and Education Authority should ensure that schools are adequately funded solely through public expenditure, and should not rely on parents and guardians to pay for the shortfall in the costs of their children’s education.

Recent budget outcomes for education have been challenging. The focus of the Department’s Budget Strategy, and subsequent 2018-19 budget decisions, has been on minimising the impact on the core functions of early years provision, schools and youth frontline services, within the budget outcome. This has enabled the schools budget to be maintained at a flat cash position for 2018-19, but it has not been possible to fund pressures facing schools.

Recommendation 2 – The Department of Education should provide more information on the money currently reported against ‘subsidiary services to education’ and ‘education n.e.c’. More of the funding allocated for education in Northern Ireland should be spent on direct education provision for children. A larger proportion of the education budget should be directed to schools so that they are not dependent on parents to provide funding.

This recommendation was addressed in my letter of 11 October and resulted in the amended version of the NICCY report which now includes Appendix 1 on pages 23-24. As agreed at our meeting on 20 February, NICCY officials will engage with DE officials at an earlier stage of any future NICCY reports for clarity in relation to DE data which may underpin any such papers.

Recommendation 3 – The Northern Ireland Executive should make a renewed commitment to addressing the educational underachievement of socio-economically disadvantaged children and young people. There should be increased investment in the education of children in poverty and adequate support provided to ensure that barriers to succeeding in education can be overcome. Uniform and PE kit grant rates should cover the entire cost incurred by parents with children at all stages in their education, including nursery level, and proposals to cut extended school funding should be immediately withdrawn.

Educational Underachievement

The draft Programme for Government includes an explicit commitment to reduce educational inequality - in Indicator 12.

The Department established a new policy team (Tackling Educational Disadvantage Team) in April 2017 to help deliver its commitments to improve educational outcomes, reduce educational inequality and give our children and young people the best start in life. The new team will coordinate activities in relation to Programme for Government Indicator 12 (Reduce Educational Inequality) and is responsible for a number of programmes designed to help address this important societal issue.

It is recognised that while DE is in the lead for indicator 12, and for achieving the outcomes associated with it, the Department cannot achieve this on its own.

To “turn the curve” by closing the attainment gap between Free School Meals Entitlement (FSME) and non-FSME pupils the Department proposes to:

- review the delivery of current policies and strategies to ensure they are achieving their aim of improving educational outcomes;
- develop and implement a parental communication, information and engagement strategy;
- take forward a wide reaching participation project in partnership with the Education Authority (Network for Youth), other children’s authorities and service providers to ensure the voice of children and young people is heard;
- encourage schools to further develop links with their local communities and community planners;
- ensure appropriate accountability measures are in place for use of TSN and extended schools funding;
- adopt a Dissemination of Best Practice Framework to ensure that interventions for FSME pupils are shared across the school system; and
- work with other Departments where we have an impact on each other’s indicators.

It is worth noting that funding for Extended Schools in 2018/19 will continue at the existing level of £9.1m p.a.

School Uniforms

It is recognised that the cost of school uniforms can place a substantial financial burden on families particularly in the current economic climate. School uniform grants make a significant contribution to assisting families with low incomes.

Since 2009, considerable efforts have been made to widen the eligibility criteria to target those most in need, firstly to the primary sector and then in 2014 to the post primary sector to low income families on Working Tax Credit. Since September 2017 an additional criterion was added to reflect the introduction of Universal Credit. It is expected that this will increase entitlement by 2,000 pupils over the course of the rollout which is due to complete in 2022.

Although DE would support an increase to the level of uniform grant, and thereby increase the level of support to those families most in need, it continues to deal with major financial pressures.

With regard to the recommendation to extend the scheme to nursery level, the Department does not currently have the legislative power to extend the uniform grant to include all children in pre-school. It would be for an incoming Minister to determine if he/she would wish to seek to change the existing policy in this way.

Recommendation 4 – The Department of Education should require all schools to take a ‘common sense’ approach to their school uniform policy. Uniform requirements should be revised so that parents can purchase school uniforms from the most affordable sources.

The wearing of school uniforms is not governed by legislation but falls to schools to determine. The Department’s guidance to schools on school uniform policy recognises the burden that uniform costs can place on families.

The guidance provides very clear advice to schools that they should ensure that their school uniform policy is fair and reasonable in practical and financial terms. Families should not feel excluded from being able to select a particular school because of cost of uniform.

The Department expects Boards of Governors to give high priority to cost considerations when designing their uniforms and that schools should ensure that their uniform is widely available in high street shops and other retail outlets, and internet suppliers rather than from an expensive sole supplier.

Parents with concerns about expensive school uniforms are encouraged to engage with their school principal and the school's Board of Governors to highlight these concerns.

While any such change to the current approach would rightly be a decision for an incoming Minister, the practicalities of determining how a subjective "common sense" approach being required of schools could be legislated for may prove extremely challenging.

Recommendation 5 – The additional funding allocated to schools under the Department of Education's Common Funding Scheme for specific groups of children, including children who are FSME, must be spent by schools on improving the educational outcomes of these children. The Department of Education should introduce a statutory requirement on schools to account for this funding, including demonstrating how it will be spent and what impact it is having. This funding should meet the individual needs of each child and could include the costs of school uniforms, books, equipment, materials and educational trips.

It is important to recognise that schools decide how to spend the funds they are allocated under the Common Funding Scheme according to the level of autonomy provided under established governance arrangements.

However, it is important that schools evaluate how effectively they use Targeting Social Need (TSN) funds and account for their use.

Under current arrangements schools should include specific reference in their plans and reporting procedures, within the School Development Planning process, to demonstrate how they are using their TSN funding and how this aligns with whole school improvement strategies.

The 'TSN Accountability' reporting exercise forms part of the annual reporting process for every School Development Plan.

The Department's Tackling Educational Disadvantage Team is working to ensure that new and improved accountability measures are in place for use of TSN funding.

These new measures are under development. A small number of schools have been asked to pilot the new arrangements from May 2018. Subject to a successful pilot, it is anticipated that roll-out on a wider, phased basis will take place in the 2018/19 academic year.

Recommendation 6 – The Department of Education should ensure that the additional costs of education incurred by children with Special Educational Needs (SEN) are met through statutory funding. All children should be able to fulfil their maximum potential in education and this should not be based on their ability to pay.

The Department is committed to ensuring that all children with Special Educational Needs (SEN) fulfil their potential.

There is a statutory obligation on the EA and schools to provide for the needs of children with SEN. The EA is committed to improving its services for children and has been working on regionalising many key service areas, including SEN.

In terms of meeting the holistic needs of the child, particularly those with SEN, the Department recognises that the 'system' does need to be improved to ensure that there is better co-operation between organisations and that effective interfaces between education and health services are absolutely key for meeting the needs of children with SEN.

As such the SEND Act 2016, underpinned by the Children's Services Co-operation Act 2015, will ensure that there is a new focus on improving co-operation between the EA and Health Trusts. This makes provision for **the preparation of a joint plan (between EA and Health and Social Care Trusts (HSCTs))** for the exercise of:

- identification and assessment of children who have or may have SEN;
- providing those children with the services those needs call for; and
- the preparation of a transition plan.

The development and effective delivery by EA and the HSCTs of this joint plan will be key – the EA and the HSCTs will have to work closely in its development.

The overall aim of the SEND Act is to implement a series of important improvements which will focus on *inclusion, early identification, assessment and intervention* designed to ensure that children and young people with SEN, and their families, have access to the support they need, when they need it; and that this is underpinned by clear, understandable information.

Recommendation 7 – The practice of charging school fees or requesting voluntary contributions is discriminating against those who do not have the means to pay and must end immediately. All grant-aided schools should be accessible to all children in Northern Ireland, regardless of their socio-economic circumstances. In the short term, schools should be clear and transparent about these charges and improve communication with parents. Schools should also take immediate action to prevent parents from feeling uncomfortable about approaching them to discuss their concerns about meeting these costs and take all steps to assist parents with these costs.

In terms of voluntary contributions, boards of governors are permitted to seek voluntary contributions from parents for the benefit of the school or in support of activities organised by the school whether inside or outside school hours.

However, the law requires that any such request must make it clear that: a) there is no obligation on parents to make a voluntary contribution; and b) no pupil, whose parents have

not paid the contribution, can be treated differently to other pupils. Pupils and their parents should not be asked why they have not paid voluntary contributions.

In addition, schools should be mindful of the spirit as well as the letter of the law and should ensure that: a) the voluntary nature of contributions is highlighted in all correspondence that requests them; and b) the design of stationery used for billing or invoicing clearly distinguishes between any compulsory charges being levied and any voluntary component.

For capital fees, voluntary grammar schools have the legal authority to charge a capital fee. It should be noted that this fee is currently capped at £140 per annum and that such schools are obliged to detail in their charges and remissions policy the circumstances under which the capital fee may be waived in whole or in part.

Recommendation 8 – Given the large proportion of the costs of education attributed to school transport and food for children in school, the Northern Ireland Executive should provide greater financial assistance to alleviate these costs. Access to free school meals and free home to school transport should be widened to ease the financial burden on families.

Free School Meals

The Department remains committed to providing support to children and families living in socio-economic disadvantage and therefore has been able to maintain the budget for provision of free school meals in 2018-19 despite the significant budgetary pressures. In 2017/18, this meant that 29.9% of pupils were entitled to free school meals, which equates to supporting more than 100,000 pupils. Although DE would welcome further measures to support to those families most in need, the necessary additional resources are not available within the current budgetary context.

Since September 2017 an additional criterion was added to reflect the introduction of Universal Credit. It is expected that this will result in an overall increase in FSM entitlement by 2,000 pupils over the course of the rollout which is due to be completed in 2022.

School Transport

The NICCY report states that 22% of all children in the survey were entitled to free school transport. The actual figure across Northern Ireland is approximately 29%. The Independent Review of Home to School Transport also found the current school transport framework in Northern Ireland to be “generous” with the lowest unit cost per pupil transported compared to other UK areas due primarily to the high proportion of pupils in receipt of transport assistance.

The Department has recently commenced an internal review of the home to school transport policy in order to ensure that it is fit for purpose and sustainable in the long term.

Recommendation 9 – The Northern Ireland Executive must ensure an end to the duplication of spend on the administration of the various education sectors in Northern Ireland. The focus of the provision of education within restricted budgets must be on ensuring that all children receive an education in line with Article 29(1) of the UNCRC and fulfil their maximum potential. Education should therefore focus on

the development of the skills, talents and abilities of children as well as formal schooling. Educational trips, before, after and optional school activities should be available to all children free of charge and not based on the ability to pay.

The recommendation directed to the Northern Ireland Executive is essentially a political matter and not one on which the Department is in a position to comment in the absence of a Minister/Executive.

As noted in recommendation 2, the Department provided further clarity on the proportion of the expenditure referred to as 'Subsidiary services to education' and 'Education not easily classified'.

As a result of the information provided by the Department NICCY added Appendix 1 to the report.

Appendix 1 of the report recognises that expenditure that had been categorised as 'subsidiary services' and 'Education not easily classified (n.e.c)' as part of the PESA report would more arguably fall under expenditure attributable to 'pre-school and primary education' and 'secondary education' sub categories.